

H.R. 12455

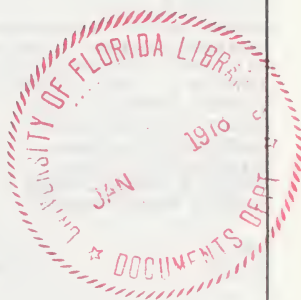
CHILD CARE; SOCIAL SERVICES ELIGIBILITY; TREATMENT OF DRUG ABUSE AND ALCOHOLISM

Brief Description of Senate Amendments

Prepared for the Use of the Conferees



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H.R. 12455—DESCRIPTION OF SENATE AMENDMENTS

(All Provisions of Senate Bill Are a Committee Amendment)

Senate amendment
section

Description

1

Eligibility for social services.—The House bill permitted States to determine eligibility for social services on a group basis through October 1, 1976, by extending an HEW regulation which permitted noncompliance with the statutory requirement which otherwise necessitates individual eligibility determinations. The House bill applies only to those States which provided services on a group eligibility basis prior to October 1, 1975. The Senate amendment strikes the text of the House bill and substitutes a provision deleting all Federal eligibility requirements for social services. The sections of present law which would be eliminated now provide:

(1) that each State must spend an amount equal to 50 percent of its Federal social services funds on services to persons who receive Aid to Families with Dependent Children, Supplemental Security Income (or State supplementary benefits), or Medicaid;

(2) that fees for services not be charged to welfare recipients or persons with incomes below 80 percent of State median income except as allowed by regulation;

(3) that federally funded services not be provided to persons with incomes above 115 percent of State median income and that they be provided to persons with incomes between 80 and 115 percent of State median income only if fees related to income are charged.

2

Deferral of child care standards.—Federal staffing standards for child care serving children aged 6 weeks to 6 years were suspended from October 1, 1975 to February 1, 1976 under prior legislation. The Senate amendment extends this suspension retroactive to February 1, 1976 and forward to October 1, 1977. (State law requirements would have to be met, and standards could not be lowered from September 1975 levels.)

H.R. 12455—DESCRIPTION OF SENATE AMENDMENTS

(All Provisions of Senate Bill Are a Committee Amendment)

Senate amendment section	Description
3(a)	<p><i>Increased social services funding for child care.</i>—Through September 30, 1977, the Senate amendment increases the existing \$2.5 billion limit on social services funding at a rate of \$250 million per year (\$62.5 million is provided for the remainder of fiscal year 1976; \$62.5 million for the July–September 1976 quarter; and \$250 million for fiscal year 1977). The additional funding cannot exceed the Federal funding due a State for child care expenditures. The additional funds would be allocated among the States on a population basis (as is the \$2.5 billion available under current law).</p>
3(b)	<p><i>Emphasis on employing welfare recipients.</i>—Requires States, to the extent they determine feasible, to use the added Federal funding in a way which increases employment of welfare recipients and other low-income persons in child care jobs.</p>
3(c)	<p><i>State grants to aid employment of welfare recipients.</i>—Permits States, without regard to usual title XX requirements, to use the added Federal funding under the bill to make grants to child care providers to cover the cost of employing welfare recipients. These grants would be limited to \$4,000 per year per employee in the case of proprietary providers thus providing (in conjunction with the tax credit under section (4)) full Federal funding of employment costs up to \$5,000. (For public and nonprofit providers, which are ineligible for tax credits, the limit on grants under this section would be \$5,000.) Grants could be made under this authority only if at least 20 percent of the children served by the child care provider have their care paid for through the title XX program.</p>
3(d)	<p><i>Increased matching for child care.</i>—Increases the Federal matching rate for child care expenditures from 75 percent to 80 percent. The increased rate would apply only to the additional amount of Federal funding provided under the amendment.</p>

H.R. 12455—DESCRIPTION OF SENATE AMENDMENTS

(All Provisions of Senate Bill Are a Committee Amendment)

Senate amendment section	Description
4	<i>Expiration of welfare recipient tax credit.</i> —The present law provision granting a tax credit equal to 20 percent of wages to employers who hire persons who receive Aid to Families with Dependent Children is scheduled to expire June 30, 1976. The Senate amendment would continue this provision in effect, in the case of child care employers only, through September 30, 1977. This section would also limit the tax credit, in the case of child care jobs, to a maximum of \$1,000 per employee per year.
5	<i>Waiver provisions and modification of family day care requirements.</i> —The Senate amendment permits State welfare agencies to waive the Federal staffing requirements in the case of child care centers and group day care homes which meet State standards if the children receiving federally funded care represent no more than 20 percent of the total number of children served (or, in the case of a center, there are no more than 5 such children), provided that it is infeasible to place the children in a facility which does meet the Federal requirements. The section would also modify the limitations on the number of children who may be cared for in a family day care home by providing that the family day care mother's own children not be counted unless they are under age 6. This change would apply retroactive to October 1, 1975. This entire section would be inapplicable after September 30, 1977.
6	<i>Addicts and alcoholics.</i> —Makes permanent certain modifications provided under P.L. 94-120 governing funding of services for addicts and alcoholics. The provisions, which expired January 31, 1976, require that special confidentiality requirements of the comprehensive Alcohol Abuse Act be observed with regard to addicts and alcoholics, clarify that the entire rehabilitative process must be considered in determining whether medical services provided to addicts and alcoholics can be funded as an integral part of a State social services program, and provide for funding of a 7-day detoxification period even though social services funding is generally not available to persons in institutions.

COMPARISON OF CHILD CARE PROVISIONS: H.R. 9803 (VETOED BILL) AND H.R. 12455 (SENATE BILL) ¹

1. Suspension of Staffing Standards

Public Law 94-120 suspended the application of Federal day care staffing standards for pre-school children (aged 6 weeks to 6 years) from October 1, 1975 to February 1, 1976. Such care would have to meet State standards and staffing levels would have to be at least as high as in September 1975.

H.R. 9803 would continue this suspension through June 30, 1976.	H.R. 12455 would continue this suspension through September 30, 1977.
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2. Additional Child Care Funding

Both bills would provide additional Federal social services funding for State child care programs. Both bills would provide that the new money would be available at a Federal matching rate of 80 percent as opposed to 75 percent under current law. Both bills would allow States to use the added money (at a 100 percent Federal rate) to make grants to child care providers to meet the cost of hiring welfare recipients.

H.R. 9803 provided \$62.5 million for the remainder of fiscal 1976 and \$62.5 million for July-September 1976. No funding was provided beyond this point.	H.R. 12455 provides the same funding plus \$250 million for fiscal year 1977.
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H.R. 9803 allocated 80 percent of the additional Federal funds on a population basis and 20 percent on the basis of need for child care funds to meet standards (as determined by HEW).	H.R. 12455 allocates all of the additional funds on a population basis.
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3. Expiration of Welfare Recipient Tax Credit

Under existing law, employers who hire persons who are receiving Aid to Families with Dependent Children receive a tax credit equal to 20 percent of the wages paid. This credit (unlike a more limited, but permanent tax credit applicable to the Work Incentive program) expires June 30, 1976. Both bills would extend this credit in the case of persons hired for child care jobs and would limit the maximum annual tax credit per employee to \$1,000.

H.R. 9803 would extend the tax credit through September 30, 1976.	H.R. 12455 would extend the tax credit through September 30, 1977.
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¹ The provisions of the two bills with respect to social services for addicts and alcoholics are identical. H.R. 9803 contained no provisions related to social services eligibility generally.

4. Waiver Provisions

Both bills allow the Federal staffing standards to be waived in the case of child care facilities serving relatively few children whose care is financed through the social services program. Both bills also permit family day care mothers not to count their school age children in determining the maximum number of children they may care for.

H.R. 9803 would grant these waivers through September 30, 1976.	H.R. 12455 would grant these waivers through September 30, 1977.
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Statistical Material

TABLE 1—CHILD CARE CENTER STAFFING REQUIREMENTS
UNDER LAW AND HEW REGULATION

Age of child	Maximum number of children per staff member	
Under 6 weeks.....	1	Required by regulation.
6 weeks to 3 years.....	4	Required by regulation.
3 to 4 years.....	5	Required by law.
4 to 6 years.....	7	Required by law.
6 to 9 years.....	15}	Maximum number allowed by law (though Secretary of HEW may lower the maxi- mum number of children per staff member, thus in- creasing the staff required).
10 to 14 years.....	20}	

TABLE 2.—CHILD CARE CENTERS: MINIMUM STAFFING REQUIREMENTS, BY AGE OF CHILDREN, UNDER STATE LICENSING REGULATIONS

	Maximum number of children per staff member ¹ if age of children is—					School age
	Under 2	2 to 3	3 to 4	4 to 5	5 to 6	
Alabama.....	5	¹ 5	10	20	20	² 22
Alaska.....	5	5	10	10	10	10
Arizona.....	³ 8	10	15	20	25	25
Arkansas.....	⁴ 6	⁵ 6	12	15	18	NS
California.....	⁶ 4	12	12	12	12	12
Colorado.....	⁷ 5	⁸ 7	10	12	15	15
Connecticut.....	4	4	⁹ 5	⁹ 7	⁹ 7	¹⁰ 10
Delaware ¹³	¹¹ 5	¹² 8	15	20	20	25
District of Columbia.....	¹⁴ 4	¹⁵ 4	8	10	15	15
Florida ¹⁷	¹⁶ 6	12	15	20	25	25
Georgia.....	¹⁸ 7	10	15	18	20	¹⁹ 25
Hawaii.....	²⁰ X	10	15	20	25	25
Idaho.....	²¹ 6	²² 8	10	10	10	NS
Illinois.....	6	8	10	²³ 10	25	25
Indiana.....	²⁴ 4	5	10	12	15	20
Iowa.....	4	6	8	12	15	15
Kansas.....	²⁵ 3	²⁶ 5	10	²⁷ 10	²⁷ 10	16
Kentucky.....	6	8	10	12	15	²⁸ 15
Louisiana ³⁰	²⁹ 6	12	14	16	20	25
Maine ³²	²⁰ X	³¹ 8	10	15	15	15
Maryland.....	³³ NS	6	10	10	13	NS
Massachusetts....	³⁴ 10	³⁴ 10	³⁵ 10	³⁶ 10	15	³⁸ 15
Michigan.....	²⁰ X	³⁹ 10	10	12	20	NS
Minnesota.....	⁴⁰ 4	⁴¹ 7	10	10	10	15
Mississippi.....	NS	NS	NS	NS	NS	²⁰ X

See footnotes at end of table.

TABLE 2.—CHILD CARE CENTERS: MINIMUM STAFFING REQUIREMENTS, BY AGE OF CHILDREN, UNDER STATE LICENSING REGULATIONS—Continued

	Maximum number of children per staff member ¹ if age of children is—					School age
	Under 2	2 to 3	3 to 4	4 to 5	5 to 6	
Missouri.....	²⁰ X	5	10	10	15	15
Montana.....	NS	NS	NS	NS	NS	NS
Nebraska.....	4	5	7	7	7	12
Nevada.....	⁴² 4	⁴³ 8	⁴⁴ 10	⁴⁴ 10	⁴⁴ 10	⁴⁵ 3
New Hampshire...	4	⁴⁵ 4	10	15	18	20
New Jersey.....	²⁰ X	⁴⁷ NS	⁴⁷ NS	⁴⁷ NS	⁴⁷ NS	²⁰ X
New Mexico.....	10	10	15	⁴³ 15	⁴⁸ 15	15
New York.....	⁴⁹ 4	5	5	7	7	10
North Carolina.....	⁵⁰ 8	⁵⁰ 12	⁵⁰ 15	⁵⁰ 20	⁵⁰ 25	⁵⁰ 25
North Dakota.....	4	4	10	10	12	⁵¹ 12
Ohio.....	⁵² 8	10	15	15	20	20
Oklahoma ⁵³	⁵¹ 4	8	12	15	15	20
Oregon.....	⁵⁵ 4	10	10	10	10	⁵⁶ 10
Pennsylvania.....	²⁰ X	²⁰ X	8	10	10	13
Rhode Island.....	²⁰ X	²⁰ X	10	15	25	NS
South Carolina.....	6	8	10	14	15	15
South Dakota.....	⁵⁷ 1	4	5	7	7	⁵⁵ 15
Tennessee.....	⁵⁹ 5	8	10	15	25	⁶⁰ 30
Texas.....	⁶¹ 4	8	12	15	18	⁶² 20
Utah.....	²⁰ X	10	15	15	20	⁶³ 20
Vermont.....	4	5	10	10	12	12
Virginia.....	3	10	10	10	10	10
Washington.....	⁶⁴ 5	⁶⁵ 7	10	10	10	10
West Virginia.....	4	8	10	12	15	16
Wisconsin.....	⁶⁶ 3	⁶⁷ 6	10	12	16	⁶⁰ 16
Wyoming.....	5	8	10	15	20	25

Footnotes on following pages.

FOOTNOTES

- ¹ 5 if 2 to 2½; 10 if 2½ to 3.
- ² 22 if 6 to 8; 25 if 8 and over.
- ³ 8 if 0 to 15 mo; 10 if 15 mo to 2 yr.
- ⁴ In infant-toddler centers.
- ⁵ 6 in infant-toddler centers; 12 if 2½ to 3 in other centers.
- ⁶ In infant centers.
- ⁷ If 6 weeks to 8 mo in infant center; or if 12 mo to 3 yr in toddler center.
- ⁸ 7 if all 2-yr-olds in toddler center; 8 if 2½ to 3 in large or small center.
- ⁹ Recommended FIDCR child/staff ratios.
- ¹⁰ If under title XX funding; 15, if 6 to 10 yr of age; 20 if 10 to 14 yr of age (FIDCR ratios).
- ¹¹ 5 if 0 to 1; 8 if 1 to 2.
- ¹² 8 if 2 to 2½; 15 if 2½ to 3.
- ¹³ In Delaware, centers receiving Federal funds have the following mandated ratios: Under 2: 5; 2 to 3: 5; 3 to 4: 5; 4 to 5: 7; 5 to 6: 7; school age: 10.
- ¹⁴ Pending issue of new infant center regulations.
- ¹⁵ 4 if 2 to 2½; 8 if 2½ to 3.
- ¹⁶ 6 if under 1 yr; 8 if 1 to 2.
- ¹⁷ Mandated ratio for handicapped children: Under 2: 4; 2 to 3: 6; 3 to 4: 8; 4 to 5: 10; 5 to 6: 14; school age: 14.
- ¹⁸ 7 if 0 to 18 mo; 10 if 18 mo to 2 yr.
- ¹⁹ 25 if 7 and over; 6 to 7 not specified.
- ²⁰ Children in this age group generally not accepted.
- ²¹ 6 if 0 to 18 mo; 8 if 18 mo to 2 yr.
- ²² 8 if 2 to 2½; 10 if 2½ to 3.
- ²³ 10 if full-day; 20 if half-day.
- ²⁴ 4 if 6 weeks-walking; 5 if walking—2.
- ²⁵ 3 if 2 weeks—nonwalking under 24 mo only; 5 if walking—2 yr.
- ²⁶ 5 if walking—2½; 7 if 2½ to 3.
- ²⁷ 10 if full-day; 12 if part-day.
- ²⁸ 15 if 6 to 8; 20 if 8 and over.
- ²⁹ 6 if nonwalking; 8 if toddlers.
- ³⁰ Centers serving 10 children with no more than 2 children under 2 yr of age have mandated child/staff ratio of 10 to 1 in all age categories.
- ³¹ 2 if 2½ to 3 yr.
- ³² In Maine, separate before and after school programs have 10 to 1 ratio in school age category.

FOOTNOTES—Continued

- ³³ Admitted only upon approval of local health officer.
- ³⁴ Admitted only upon prior approval.
- ³⁵ 10 in care over 3 hr; 12 in care 3 hr or less.
- ³⁶ 10 in care over 3 hr; 13 in care 3 hr or less.
- ³⁷ 15 in care over 3 hr; 25 in care 3 hr or less.
- ³⁸ 15 if 6 to 7 in care over 3 hr; 25 if 6 to 7 in care 3 hr or less.
- ³⁹ 10 if 2½ to 3.
- ⁴⁰ 4 if 6 weeks to 16 mo; 7 if 16 mo to 2 yr.
- ⁴¹ 7 if 2 yr to 31 mo; 10 if 31 mo to 3 yr.
- ⁴² 4 if 6 weeks to 9 mo; 6 if 9 to 18 mo; 8 if 18 mo to 2 yr.
- ⁴³ 8 in infant-toddler center; 10 for 1st 20 children; 15 for excess over 20.
- ⁴⁴ 10 for 1st 20 children; 15 for excess over 20.
- ⁴⁵ 3 or 10 percent over licensed capacity, whichever is greater, if before or after school care.
- ⁴⁶ 4.8 if maximum of 24 children under 3 yr of age in care.
- ⁴⁷ 2 adults for any total group.
- ⁴⁸ 20 if in care 3 hr or less.
- ⁴⁹ 4 if under 18 mo; 5 if over 18 mo.
- ⁵⁰ If 30 or more in care; 10 if less than 30.
- ⁵¹ If 4 to 7 yr.
- ⁵² 8 if 0 to 18 mo; 10 if 18 mo to 2 yr.
- ⁵³ Recommended ratios.
- ⁵⁴ 4 if 0 to 10 mo in cribs; 6 if 10 mo to 2 yr.
- ⁵⁵ If 6 weeks to 30 mo.
- ⁵⁶ If 6 yr; 15 if over 6 yr.
- ⁵⁷ 1 if 0 to 6 mo; 3 if 6 to 18 mo; 4 if 18 mo to 2 yr.
- ⁵⁸ 15 if 6 to 10 yr; 20 if 10 to 14.
- ⁵⁹ 5 if 6 weeks to 1 yr; 6 if 1 to 2.
- ⁶⁰ If 6 to 7.
- ⁶¹ 4 if 0 to 18 mo; 6 if 18 mo to 2 yr.
- ⁶² 20 if 6 to 8; 25 if 8 or over.
- ⁶³ 20 if 6; 25 if 7 to 15.
- ⁶⁴ 5 if 1 mo to 1 yr; 7 if 1 to 2.
- ⁶⁵ 7 if 2 to 2½; 10 if 2½ to 3.
- ⁶⁶ 3 if 0 to 1; 4 if 1 to 3.
- ⁶⁷ 6 if 2 to 2½; 8 if 2½ to 3.

Source: Department of Health, Education, and Welfare. Current as of October 21, 1975.

Note: NS indicates "not specified."

TABLE 3.—STATE ESTIMATES OF INCREASE IN COST AND STAFFING FOR CHILD CARE FROM FISCAL 1975 TO FISCAL 1976

	Increased title XX costs (millions)	Increased staffing		Potential employment of welfare recipients as percent of added staffing
		For title XX children	For non-title XX children	
Total.....	\$206.3			
Alabama.....	0.6	122	(¹)	(²)
Alaska.....	1.4	150	(¹)	50
Arizona.....	2.6	548	(²)	20-25
Arkansas.....	0	0	0	(³)
California.....	20.7	0	0	(³)
Colorado.....	2.4	400	200	(²)
Connecticut.....	(³)	0	0	(³)
Delaware.....	.9	99	(¹)	(¹)
District of Columbia.....	.4	56	81	20
Florida.....	12.1	766	1,036	(²)
Georgia.....	3.8	600	(¹)	80
Hawaii.....	.4	60	1,577	20
Idaho.....	1.1	(²)	(²)	(²)
Illinois.....	23.5	700	¹⁰ 7,000	71
Indiana.....	1.4	215	(²)	(²)
Iowa.....	2.0	167	(¹)	(²)
Kansas.....	1.5	202	303	15
Kentucky.....	1.2	400	800	(²)
Louisiana.....	2.6	509	437	100
Maine.....	.1	0	0	(³)
Maryland.....	0	0	0	(³)
Massachusetts....	5.3	600	0	100
Michigan.....	7.0	959	0	20
Minnesota.....	11.0	1,760	1,580	20
Mississippi.....	1.0	0	0	(³)
Missouri.....	2.5	1,246	(²)	5
Montana.....	.9	1,000	(¹)	7-10
Nebraska.....	.3	155	(²)	100
Nevada.....	.1	⁵ 160	⁵ 160	(²)
New Hampshire...	.2	40	50	20

See footnotes at end of table.

TABLE 3.—STATE ESTIMATES OF INCREASE IN COST AND STAFFING FOR CHILD CARE FROM FISCAL 1975 TO FISCAL 1976—Cont.

	Increased title XX costs (millions)	Increased staffing		Potential employment of welfare recipients as percent of added staffing
		For title XX children	For non-title XX children	
New Jersey.....	3.7	92	10	100
New Mexico.....	2.2	96	0	50
New York ⁶	12.0	300	0	67
North Carolina....	9.8	1,800	400	60-70
North Dakota.....	(⁷)	0	0	(³)
Ohio.....	(⁸)	0	0	(³)
Oklahoma.....	21.5	1,022	2,366	93
Oregon.....	.2	0	0	(³)
Pennsylvania.....	8.2	235	171	96
Rhode Island.....	.9	46	138	(²)
South Carolina....	2.4	308	0	25-50
South Dakota.....	.6	650	150	23
Tennessee.....	1.7	200	(¹)	5-8
Texas.....	16.2	1,720	1,514	20-30
Utah.....	1.4	199	739	70
Vermont.....	.8	423	(⁹)	75
Virginia.....	7.8	436	1,000	50
Washington.....	4.7	1,300	(²)	(²)
West Virginia.....	2.0	216	84	80-100
Wisconsin.....	2.6	234	750	50-100
Wyoming.....	.6	0	0	75

¹ Included in estimates for columns 1 and 2. Unable to show separately.

² Unable to estimate.

³ Not applicable since State estimates no additional staffing needs.

⁴ Additional employees already hired.

⁵ Unable to estimate on a man-year basis; represents number of staff.

⁶ Estimates cover urban counties only.

⁷ Less than \$50,000.

⁸ Unable to estimate. No increased staffing but some increased cost to meet other standards and/or monitoring and reporting requirements of title XX.

⁹ Unable to estimate numbers; cost estimated at \$1,900,000.

¹⁰ Includes a need for 6,000 new family day care homes.

Source: Finance Committee staff survey of Governors.

TABLE 4.—FEDERAL FUNDING ALLOCATIONS FOR SOCIAL SERVICES

[In thousands]

	Social services allocation for fiscal year 1977	Full year additional child care allocation under Senate bill
Total.....	\$2,500,000	\$250,000
Alabama.....	42,300	4,230
Alaska.....	3,975	398
Arizona.....	25,450	2,545
Arkansas.....	24,375	2,438
California.....	247,250	24,725
Colorado.....	29,525	2,952
Connecticut.....	36,525	3,652
Delaware.....	6,775	678
District of Columbia.....	8,550	855
Florida.....	95,675	9,568
Georgia.....	57,725	5,772
Hawaii.....	10,025	1,002
Idaho.....	9,450	945
Illinois.....	131,650	13,165
Indiana.....	63,025	6,302
Iowa.....	33,775	3,378
Kansas.....	26,850	2,685
Kentucky.....	39,700	3,970
Louisiana.....	44,525	4,452
Maine.....	12,375	1,238
Maryland.....	48,425	4,842
Massachusetts.....	68,600	6,860
Michigan.....	107,575	10,758
Minnesota.....	46,325	4,632
Mississippi.....	27,475	2,748

See footnote at end of table.

TABLE 4.—FEDERAL FUNDING ALLOCATIONS FOR SOCIAL SERVICES—Continued

[In thousands]

	Social services allocation for fiscal year 1977	Full year additional child care allocation under Senate bill
Missouri.....	\$56,500	\$5,650
Montana.....	8,700	870
Nebraska.....	18,250	1,825
Nevada.....	6,775	678
New Hampshire.....	9,550	955
New Jersey.....	86,700	8,670
New Mexico.....	13,275	1,328
New York.....	214,200	21,420
North Carolina.....	63,425	6,342
North Dakota.....	7,525	752
Ohio.....	126,975	12,698
Oklahoma.....	32,050	3,205
Oregon.....	26,800	2,680
Pennsylvania.....	139,975	13,998
Rhode Island.....	11,075	1,108
South Carolina.....	32,925	3,292
South Dakota.....	8,075	808
Tennessee.....	48,825	4,882
Texas.....	142,500	14,250
Utah.....	13,875	1,388
Vermont.....	5,550	555
Virginia.....	58,050	5,805
Washington.....	41,100	4,110
West Virginia.....	21,175	2,118
Wisconsin.....	54,000	5,400
Wyoming.....	4,250	425

TABLE 5.—BUDGETARY IMPACT OF SENATE BILL ¹

Fiscal period	Increase in budget authority and outlays (millions)	Decrease in revenues (millions)
Fiscal year 1976.....	\$42	0
July-September 1976.....	55	0
Fiscal year 1977.....	218	\$4

¹ Estimates are net figures reflecting both the increased grants to the States for child care and the offsetting reductions in welfare costs resulting from the hiring of welfare recipients as child care staff.

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